

Wauwatosa City Attorney

Rec'd 4-13-15
April 2, 2015

Assistant City Attorneys

Beth Thorson Aldana
Eileen Miller Carter

Special Assistants

George R. Schimmel
George M. Schimmel

Public Service Commission of Wisconsin
RECEIVED: 04/24/15, 8:15:20 AM

Office of the Commissioner of Railroads
610 N. Whitney Way, Room 110
P. O. Box 7854
Madison, WI 53707

RE: Petition For Pedestrian Crossing

Dear Commissioner:

The enclosed Petition is being filed with your office in accordance with Section 195.28 and 195.29 of the Wisconsin Statutes.

We request that your office hold a hearing to determine the appropriate pedestrian crossing and approve the installation of same.

Attached for your information are the following:

- 1) Petition
- 2) Project Overview Sheet/Preliminary Plans - (Ex. A)
- 3) City of Wauwatosa Council Resolution - (Ex. B)
- 4) Concept Plan

By copy of this letter and Petition, the City notifies the following parties of same:

Canadian Pacific RR Director of Engineering
Amtrak Director of Engineering
Wisconsin Dept. of Transportation, Director
Milwaukee County Sheriff David Clarke

Thank you for your attention to the above.

Yours truly,

A handwritten signature in cursive script, appearing to read 'Eileen Miller Carter'.

EILEEN MILLER CARTER

Asst. City Attorney
EMC/jlb

CC: JP, HG

TO THE STATE OF WISCONSIN OFFICE OF COMMISSIONER OF RAILROADS:

IN THE MATTER OF:

THE CITY OF WAUWATOSA PETITION FOR INSTALLATION OF PEDESTRIAN CROSSING ON RAILROAD TRACKS AT 74TH STREET

WHEREFORE, the City of Wauwatosa upon resolution of the Common Council of the City of Wauwatosa petitions the Office of the Commissioner of Railroads for permission to install a pedestrian only crossing at 74th street on the Canadian Pacific Railroad train tracks. The location of the proposed 74th Street pedestrian crossing is between Harwood crossing (MP-90.65) and the 72nd Street crossing (MP-90.10).

The Office of Commissioner of Railroad has jurisdiction to approve the establishment of the public highway crossing that is being proposed by the City of Wauwatosa. Wis. Stat. sec. 195.29.

PURPOSE. The pedestrian crossing is necessary to promote public safety and convenience. The establishment of the pedestrian only crossing will provide pedestrians with a safe and regulated method of travel by which to traverse the railroad tracks. The proposed crossing is located in a highly urban area near schools, businesses and a public park that is used for high school sporting competitions. There are no other pedestrian crossings in the vicinity that cross the tracks and offer a designated pedestrian crossing. The proposed pedestrian crossing is intended to eliminate the current and long standing practice of pedestrians crossing between uncontrolled intersections along an 1,800 foot long stretch of rail road track which contains no controlled crossing. The proposed pedestrian crossing will establish the only safe pedestrian zone between 72nd Street and Harwood Avenue for village and park destinations.

BACKGROUND. Canadian Pacific Railroad (CPR) and Amtrak trains traverse through the City of Wauwatosa beginning at 60th Street and run parallel to State Street in a westerly direction. The CPR intersects at North 63rd Street, 68th Street, 70th Street and 72nd Street, Harwood and 115th Street. The City of Wauwatosa includes an area called the Village that is located on Harwood and State Street. This vibrant Village hosts many restaurants and businesses which attract pedestrian traffic. Hart Park, which is located on the opposite side of the tracks from the Village and Wauwatosa East high school, contains sporting amenities open to the public and is located near 74th Street. Hart Park is a very busy and active center which includes a 5,000 seat stadium used many times each week for school sports events and activities and attracts crowds of spectators and participants.

Currently, many high school students and employees of businesses located in the Village trespass the tracks between 72nd Street and Harwood. The objective of the designation of 74th Street as a pedestrian zone crossing is to guide the pedestrians who frequent the above mentioned attractions to safely cross the railroad tracks in one location. It would be fully protected by signals and crossing gates.

The nearby railroad crossings have been designated a quiet zone by the FRA. The FRA conferred quiet zone status in August 2013. The city's quiet zone reaches from 60th Street to 115th Street.

The City has six crossings in the SOO corridor which are as follows:

63rd Street (#390499E),

68th Street (#390501D),

70th Street (#390502K),

72nd Street, (#390503S),

Harwood Avenue (#380504Y)

115th Street (#390512R).

The City is committed to providing safety measures for motorists and pedestrians. The City installed FRA approved safety measures at four crossings in June 2013 under FRA approval.

SUBMISSION OF PRELIMINARY ENGINEERING PLANS. In accordance with Wis. Administrative Code sec RR 1.025(2), the City of Wauwatosa is required to submit preliminary engineering plans or concept plans. Attached as exhibit A is an aerial photograph depicting the W. State Street corridor and the well-travelled pedestrian paths. Council resolution approving the project and expenditure is attached as exhibit B.

Canadian Pacific will design the crossing and signals in order that the pedestrian crossing signals integrate with the train track signals. The city will not draft engineering plans but will rely on those drafted by Canadian Pacific.

No existing train crossing would be eliminated. The proposed 74th street crossing requires 2 sidewalk gates with flashing lights, arms and bells.

The fencing will be installed between 72nd and Harwood which is almost 1/3 of mile or 1800 feet. The fencing will be strong steel in a design to compliment the area and appeal to pedestrians. The height and style of the fence will be subject of discussion by the City's Streetscape Selection Committee as they deliberate over these types of issues prior to State Street reconstruction in 2016.

It is anticipated that the crossing will have the standard railroad black and white cross bucks, flashing red lights when a train is in that block, warning bells, and cantilevered gates that activate in the same manner as a road crossing gate operates. Yellow and black signs stating "Watch for Trains" signs would be installed at every roadway crossing in the City. Signs on both sides of the tracks could be placed to direct pedestrians to the crossing point. Fencing parallel to State Street and into the parking lot retaining wall for the Chancery restaurant on the west end and tie into the 72nd Street on the east end. The fence will contain a break or opening at the gated pedestrian crossing at 74th Street in order to eliminate uncontrolled and unprotected pedestrian movements across the train tracks. There is ambient lighting in the region for night time use.

The crossing would have a signal integrated into the signal system for the railroad so that when a train enters the block for this or any other signal, a shunt is closed and the warning device automatically activates so that the gates are down well before a train is at the crossing. The train crew does not have to take specific action to activate the gates.

SAFETY JUSTIFICATION. Granting the petition for the pedestrian crossing will not compromise any safety of motorists or pedestrians. The safety improvements are intended to benefit the public's safety and therefore constitutes reasonable justification for the installation of the pedestrian crossing. The pedestrian crossing is within the public interest and consistent with the safety of pedestrians, highway

and railroad users, and hence the Commissioner may grant the petition subject to any conditions deemed necessary.


PROPOSED COMPLETION DATE: The CP's design of the pedestrian crossing is to be completed by spring 2016 and the construction of the pedestrian crossing is to be completed by summer 2016. Construction of sidewalks from streets to each side of the crossing is to be completed by fall 2016.

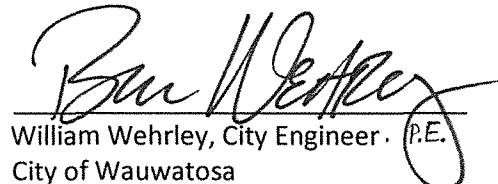
PROPOSED APPORTIONMENT OF COSTS. The estimated cost of the pedestrian gates is \$325,000. The City of Wauwatosa will pay the costs of the pedestrian gate and has allocated funds for such in its 2015-2019 Capital Improvement Plan.

Per RR sec. 1.025(2). A copy of this petition and attached documents has been submitted to interested parties as listed in Exhibit C. The estimated cost of the pedestrian gates is \$325,000.

Dated this 2nd day of April 2015.

Dated this 2nd day of April 2015.


Eileen Miller Carter, Assistant City Attorney
City of Wauwatosa
7725 W. North Avenue
Wauwatosa, WI 53213


William Wehrley, City Engineer. P.E.
City of Wauwatosa
7725 W. North Avenue
Wauwatosa, WI 53213